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RICHARD W. STICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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12 UNITED STATES MAGISTRATE COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,

16 Plaintiff,

v.

SHEILA WHITTENBERG,

Defendant.

No. 3 05 70552

~~PROPOSED~~ ORDER AND  
STIPULATION FOR CONTINUANCE  
FROM SEPTEMBER 29, 2005 TO  
OCTOBER 14, 2005 AND EXCLUDING  
TIME FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A)) AND WAIVING TIME  
LIMITS UNDER RULE 5.1

17 With the agreement of the parties, and with the consent of the defendant, the Court enters  
18 this order scheduling an arraignment or preliminary hearing date of October 14, 2005 at  
19 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the  
20 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time  
21 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 29, 2005 to October 14, 2005.  
22 The parties agree, and the Court finds and holds, as follows:

23

24 1. The defendant has been released on her own recognizance.

25 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
26 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective  
27 preparation, taking into account the exercise of due diligence.

28 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

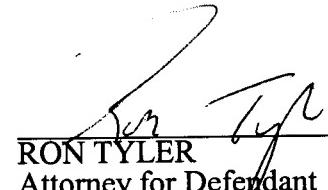
1 preliminary hearing.

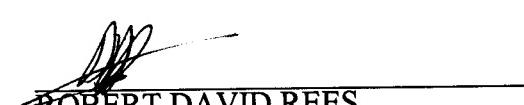
2       4. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5       5. The Court finds that, taking into the account the public interest in the prompt  
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
8 the Court finds that the ends of justice served by excluding the period from September 29, 2005  
9 to October 14, 2005, outweigh the best interest of the public and the defendant in a speedy trial.  
10 § 3161(h)(8)(A).

11       6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
12 hearing date before the duty magistrate judge on October 14, 2005, at 9:30A.M., and (2) orders  
13 that the period from September 29, 2005 to October 14, 2005 be excluded from the time period  
14 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial  
15 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: \_\_\_\_\_   
20 RON TYLER  
Attorney for Defendant

21  
22 DATED: 9/27/05   
23 ROBERT DAVID REES  
Assistant United States Attorney

24  
25 IT IS SO ORDERED.  
26  
27 DATED: 9/28/05   
28 HON. JOSEPH SPERO  
United States Magistrate Judge

1                   **CERTIFICATE OF SERVICE**

2                   The undersigned hereby certifies that she is an employee of the office of the United States  
3                   Attorney, Northern District of California and is a person of such age and discretion to be  
4                   competent to serve papers. The undersigned certifies that she caused copies of

5                   **[PROPOSED] ORDER AND STIPULATION FOR CONTINUANCE**  
6                   **FROM SEPTEMBER 29, 2005 TO OCTOBER 14, 2005 AND**  
7                   **EXCLUDING TIME FROM THE SPEEDY TRIAL ACT**  
8                   **CALCULATION (18 U.S.C. § 3161(H)(8)(A) AND WAIVING**  
9                   **TIME LIMITS UNDER RULE 5.1**

10                  in the case of **UNITED STATES V. SHEILA WHITTENBERG, 03-05-70552** to be served  
11                  on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as  
12                  follows which is the last known address:

13                  **RON TYLER, AFD**  
14                  **UNITED STATES FEDERAL PUBLIC DEFENDER'S OFFICE**  
15                  **450 GOLDEN GATE AVENUE, 19<sup>TH</sup> FLOOR**  
16                  **SAN FRANCISCO, CA 94102**

17                  \_\_\_\_\_X (By Personal Service), I caused such envelope to be delivered by hand to the person or  
18                  offices of each addressee(s) above.

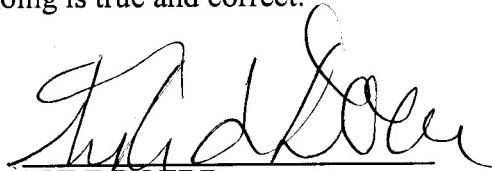
19                  \_\_\_\_\_       (By Facsimile), I caused each such document to be sent by Facsimile to the person or  
20                  offices of each addressee(s) above.

21                  \_\_\_\_\_       (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed  
22                  in the United States mail at San Francisco, California.

23                  \_\_\_\_\_       (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address  
24                  listed above.

25                  I declare under penalty of perjury that the foregoing is true and correct.

26                  Dated: September 28, 2005

27                    
28                  TYLE DOERR  
29                  United States Attorney's Office